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10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 UNITED STATES OF AMERICA,)	CR No. 11-0572
)	
16 Plaintiff,)	[PROPOSED] STIPULATED ORDER
)	CONTINUING CHANGE OF PLEA
17 v.)	HEARING
)	
18 LUIS PONCE ROMERO,)	Current Hearing Date: July 12, 2013
)	Time: 11:00 am
19 Defendants.)	Judge: Hon. Susan Illston
)	
20)	Proposed Hearing Date: August 2, 2013
)	Time: 11:00 am

1 The above-captioned case is currently scheduled for a change-of-plea on July 12, 2013.
2 However, the parties need additional time to finalize the proposed disposition in this matter in
3 light of the Supreme Court's recent decision in *United States v. Davila*. Accordingly, the parties
4 jointly request that the change-of-plea be continued to Friday, August 2, 2013.

5 Further, the parties stipulate and jointly request that time be excluded from the Speedy
6 Trial Act calculations from July 12, 2013 through August 2, 2013 for effective preparation of
7 counsel. The parties agree that the ends of justice served by granting such a continuance
8 outweighed the best interests of the public and the defendants in a speedy trial. *See* 18 U.S.C. §
9 3161(h)(7)(A).

10 Pursuant to 18 U.S.C. § 3161, and Crim. Loc. Rule 47-2(c), there are seventy (70) days
11 remaining before the trial in this case must commence. Taking into account the proposed
12 exclusion of time, the "speedy trial" date for this matter would therefore be October 18, 2013.

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14 IT IS SO STIPULATED.

15 7-10-13

16 DATED

/s/

MELINDA HAAG
United States Attorney
Northern District of California
MATTHEW L. McCARTHY
Assistant United States Attorney

19
20 7-10-13

21 DATED

/s/

EDWARD HU
Attorney for Luis Ponce Romero

22 **[PROPOSED] ORDER**

23 For good cause shown, the change of plea hearing now scheduled for July 12,
24 2013 is vacated. The matter shall be added to the Court's calendar on Friday, August 2, 2013 at
25 11:00 a.m. for change of plea.

26 In addition, for the reasons stated above, the Court finds that an exclusion of time
27 from July 12, 2013 through August 2, 2013 is warranted and that the ends of justice served by
28

1 the continuance outweigh the best interests of the public and the defendant in a speedy trial. See
2 18 U.S.C. §3161 (h)(7)(A). The failure to grant the requested continuance would deny defense
3 counsel the reasonable time necessary for effective preparation, taking into account the exercise
4 of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(7)(B)(iv).

5 Pursuant to 18 U.S.C. § 3161, and Crim. Loc. Rule 47-2(c), there are seventy (70)
6 days remaining before the trial in this case must commence, and the “speedy trial” date by which
7 trial must commence is therefore October 18, 2013.

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10 IT IS SO ORDERED.

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12 7/12/13
13 DATED

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HON. SUSAN ILLSTON
United States District Court Judge